

**Call to Order:**

The meeting was called to order at 7:32 p.m. Present were Chair, Joan Duff, members Jay Doherty, Eric Macaux, John McDonnell (arrived at 7:34 p.m.) and Vincent Chiozzi (arrived at 7:36 p.m.), and associate member Lelani Loder; also present was Jacki Byerley, Planner.

Ms. Duff, Chair, disclosed that all Board meeting are recorded and the minutes are published online, any input from the audience (including their names and addresses) will appear in the publish minutes.

Ms. Duff, Chair also noted that the Warrant articles listed on the agenda will be continued without discussion until the April 10<sup>th</sup> meeting.

**139 River Road (Dunkin Donuts):**

The Board opened the public hearing pursuant to Section 9.7 Repetitive Petition of the Zoning By-law the applicant, Andover Dunkin Donuts, Inc. c/o Jatou Management Co., LLC, is applying to the Planning Board to find that specific and material changes in the plan upon which the Zoning Board of Appeals (ZBA) issued their denial have been made. This will allow the applicant to file with the ZBA prior to the two year limitation that prevents an applicant from re-filing for the same project when an unfavorable action has been taken by a Permit Granting Authority. The property is located at 139 River Road, Assessors Map 165 Lot 1C.

Ms. Byerley reviewed her memo to the Board dated March 14, 2012 including a brief overview of the applicant's letter to the Board dated January 23, 2012. Attorney Mark Johnson gave an explanation as to why the applicant is seeking a repetitive petition. Attorney Johnson noted that he feels there is a substantial difference in the revised plans and presented the Board a handout outlining the changes.

On a motion by Mr. Macaux seconded by Mr. Doherty the Board voted to close the public hearing for a Repetitive Petition of the Zoning By-law pursuant to Section 9.7 for 139 River Road for Andover Dunkin Donuts, Inc. c/o Jatou Management Co., LLC. **Vote:** Unanimous (5-0)

On a motion by Mr. Macaux seconded by Mr. Doherty the Board voted to find that the current plan, to expand only 240 s.f of storage area at 139 River Road for Andover Donuts, Inc. represents a specific and material changes from the information upon which the ZBA issued its denial. **Vote:** Unanimous (5-0)

**Swan Crossing III:**

The Board opened the public hearing to modify the Special Permit for Multi-Family Construction-Attached Cluster on a application submitted by CA Investment Trust the modification request is to add an additional unit for a total of 22 units and to lengthen Ivana Drive by approximately 15 feet.

It should be noted that Mr. Doherty and Ms. Loder recused themselves from the public hearing and left the room.

Doug Lees of Land Engineering & Environmental Services, Inc. representing the applicant gave an overview of the approved Special Permit for Multi-Family Dwelling Construction-Attached Cluster in October 2007. Mr. Lees also reviewed the proposed modification which includes the extension of Ivana Drive and an additional unit bringing the total from 21 to 22 units. Mr. Lees

**Swan Crossing III:**

gave an overview of the IDR conducted on March 7<sup>th</sup> including the departments concerns and noted the sign “Private – Residence Only” has been installed which he handed a picture out to the Board. Ms. Byerley reviewed her memo to the Board dated March 14, 2012 including the requirements of Section 7.3 of the Zoning By-law Multi-Family Dwelling Construction – Attached Cluster. Mr. Chiozzi asked if the traffic tables and control gates from the original approval have been installed. Mr. Lees noted that everything from the original approval has been installed. Nicholas Ricci of 19 Swan Lane questioned the number of units and how it meets the master plan. Mr. Lees noted that the planning Board never approved a master plan for the Andover Country Club (ACC). Mr. Ricci questioned how many more changes there will be in ACC. Mr. Lees reviewed the previous approvals. Ms. Byerley noted that the Zoning By-law density requirements only allow so many units and noted a master plan is not required. Mr. Macaux questioned if the density requirements for this parcel were maxed out. Mr. McDonnell gave a brief history of the ACC. The Board asked for an overview of the site and if there was any further plans for future development. Mr. Lees noted the only future development would be at the 3<sup>rd</sup> and 4<sup>th</sup> hole of ACC. Ms. Byerley suggested the applicant provide the board with a plan that overviews the entire site of ACC. Mr. Lees noted that most of the land is under conservation restriction which can never be developed into house lots and his client is working with the State to get the restriction finalized. On a motion by Mr. Macaux seconded by Mr. McDonnell the Board voted to continue the public hearing to modify the Special Permit for Multi-Family Construction-Attached Cluster on a request submitted by CA Investment Trust the modification request is to add an additional until for a total of 22 units and to lengthen Ivana Drive by approximately 15 feet. **Vote:** Unanimous (4-0); it should be noted Mr. Doherty returned to the meeting after the vote.

**321-325 Lowell Street:**

The Board opened the public hearings on a Special Permit for a Major Non-Residential Project and a Special Permit for the Watershed Protection Overlay District to construct a 30,000 s.f two-story professional office/medical clinic on applications submitted by Salvatore N. Lupoli. Doug Hausler of Lampert Hausler Roadman (LHR) representing the applicant introduced the team for the project and noted the applicant also owns property on Park Street in Andover. Rick Friberg of TEC representing the applicant gave an overview of the location, acreage, the size of the building which will be 30,000 s.f 15,000 sf. would be medical offices, 5,000 sf. would be the clinic and 10,000 s.f. would be storage of medical files. He also gave an overview of the hours of operation for the medical offices Mon-Fri 7:30 am – 7:30 pm; the clinic hours will be seven days a week 8 am – 5 pm and noted it was not an emergency room. Mr. Friberg also reviewed the driveway, sidewalk, parking, traffic circulation, handicap access, loading zone, stormwater management, and design alternatives. He also discussed the lighting plan, landscape plan, and the application to the Zoning Board of Appeals which was continued until after the Planning Board meeting. Rebecca Brown of TEC representing the applicant gave an overview of the traffic study including the intersections that were included in the study and noted there has been an increase of traffic since 2000 roughly 1% per year annually. She also stated the Rolling Green 40B build-out was included in the traffic analysis and reviewed the number of trips on average each day would be entering and exiting the site and the level of service would be “D” or better. Ms. Brown reviewed the sight distances, collision data, and noted there would not be an increase of

**321-325 Lowell Street (cont.):**

queuing in the driveway. Ms. Byerley reviewed her memo to the Board dated March 15, 2012 including a requested by DPW that a peer review be done on the traffic study submitted by the applicant and the driveway location. Mr. Friberg gave an overview of the driveway configuration and noted they will be making a portion of the driveway one way in . Ms. Byerley continued to review her memo to the Board dated March 15, 2012 including the priority zone Watershed Protection Overlay District (WPOD) and provided information regarding allowing alterations are allowed within 400 feet of the zone. She also noted that if a police detail was not at the intersection a traffic signal would be warranted. Mr. Chiozzi questioned if a traffic light is needed if the police are not on site. Ms. Brown noted that their project does not impact that intersection and would not warrant signalization on its own. Mr. Friberg gave an overview of the three residential homes that Mass DOT moved the access off the state highway and gave the homes a right-of-way to access their properties which they will have to maintain. The Board questioned the lighting plan and lighting at night. Mr. Friberg reviewed the lighting plan and noted there is no spillage onto residential properties. Mr. McDonnell questioned the setback requirements for the ROW whether it would be 50' or 30' and noted the overlaying issues is with obtaining a variance with the ZBA. Mr. Hausler noted the ZBA seemed in favor of the project and wanted to close the hearing but kept it opened in case the Planning Board required any changes to the plan. Mr. Hausler reviewed the applicant timeline for obtaining approvals for the project. Ms. Brown gave an overview of the traffic studies that were preformed for the IRS and 40 B projects which are larger projects and their traffic study was done on full build-out conditions. Mr. Hausler noted that rather than doing a peer review of the traffic study the applicant would consider contributing money towards a traffic signal for the intersection. Mr. Friberg gave an overview of the parking requirements and their parking calculations of 82 parking spaces. Mr. Hausler reviewed the sidewalk extension, safety and parking. Ms. Byerley noted that she will start the peer review process for a peer review of the traffic and she has already started the peer review process of the stormwater management. On a motion by Mr. Macaux seconded by Mr. Chiozzi the board voted to continue the public hearings on a Special Permit for a Major Non-Residential Project and a Special Permit for the Watershed Protection Overlay District to construct a 30,000 s.f two-story professional office/medical clinic. **Vote:** Unanimous (5-0); it should be noted Ms. Loder returned to the meeting after the vote.

**Gregory Circle:**

The Board took up the discussion on a request from William MacLeod of Andover Consultants, representing Fieldstone Meadows Development Corp. the developer of Gregory Circle for a minor modification which would allow for the removal of slope granite curbing. Ms. Byerley reviewed her memo to the Board dated March 14, 2012 and noted that the subdivision plans references the slope granite curbing so the Board needs to vote to take the reference off the plans. The Board reviewed the revised plan and Ms. Byerley memo to the Board dated march 14, 2012.

On a motion by Mr. McDonnell seconded by Mr. Doherty the Board voted to find the request from Fieldstone Meadows Development Corp. for the removal of the sloped granite curbing on Gregory Circle subdivision be a minor modification. **Vote:** Unanimous (5-0)

**Gregory Circle (cont.):**

On a motion by Mr. McDonnell the Board voted to approve the removal of sloped granite curbing to the Gregory Circle subdivision as shown on Roadway Plan and Profile "Gregory Circle: dated 10/13/03 revised 2/08/12. **Vote:** Unanimous (5-0)

**Adjournment:** The meeting was adjourned 9:00 p.m.